

Hawai'i State Association of Counties (HSAC)

Counties of Kaua'i, Maui, Hawai'i and City & County of Honolulu

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MINUTES

HSAC EXECUTIVE COMMITTEE MEETING

Monday, October 26, 2020

10:30 a.m. via Zoom Conference

I. CALL TO ORDER

The HSAC Executive Committee was called to order by HSAC President Joey Manahan at 10:35 a.m. The following members comprising a quorum were present:

City and County of Honolulu: President, Joey Manahan
Councilmember, County of Honolulu

County of Kaua'i: Mason Chock, Alternate
Councilmember, County of Kaua'i

County of Hawaii: Rebecca Villegas, Alternate
Councilmember, County of Hawaii

County of Maui: Treasurer Kelly King
Councilmember, County of Maui

Others Present: Tamara Paltin,
Councilmember, County of Maui

Lineae Cruz, Office of Council Services
City and County of Honolulu

Aida Kawamura, Legislative Assistant, Office of
Council Services, County of Kauai

Shelly Espeleta, Legislative Analyst, Office
Of Council Services, County of Maui

Anela Keko'olani, Administrative & Committee
Analyst, Office of Joey Manahan, City and
County of Honolulu

George White, Office of Council Services
City and County of Honolulu

Kamakana Watanabe, Office of Council
Services, City and County of Honolulu



Nicole Kahinu, Riki Hokama, and Jon Okudara,

II. APPROVAL OF AGENDA

Council Member King moved to approve the agenda, seconded by Council Member Chock.

The motion to approve October 6, 2020 HSAC Executive Committee meeting carried unanimously.

III. MINUTES

Council Member King moved to approve minutes for September 2020, then pointed out non substantial corrections that need to be made. Shelly will forward corrections to Ashley to incorporate.

The motion was seconded by Council Member Chock and unanimously carried.

IV. REPORTS

A. Treasurer's Report

Treasure King provided the reports for September 2020.

- **Beginning balance: \$136,977.86**
- **Total revenue: \$2.52**
 - September Interest income \$2.52
- **Total expenses: \$11.71**
 - Auditing/Professional Services \$11.71
 - GET tax payment for 1/1/20 – 6/30/20
- **Ending balance: \$136,968.67**

Tied to Treasurer's Reports, but not specifically listed on today's agenda:
Standard User Quickbooks Access for Linae Cruz

There can be a maximum of five Standard Users at a time.

The Standard User access will be the same access as was given Anela which will allow Linae to:

- complete the missing Quickbooks entries starting with the January 2018 BOH General account monthly statements;



- maintain a list of Quickbooks entries made with date, account, description, and amount so the Auditor can update HSAC's account balances in their records; and
- work with the Auditor to complete the outstanding FY18 and FY19 audits **by November 27, 2020.**

Mr. Kyle Hays from Carbonaro CPA joined today's call to provide further details of the pending items and answer any questions from Members. He has also prepared a document that lists these pending items. A copy can be emailed to the Committee for the record. Completing the audits by November 27th will wrap up the books so Maui can start to secure a new 3-year contract for a new auditor. Carbonaro's 3-year contract ended on June 30, 2019. As I mentioned at the last meeting, ten bid request letters were sent out, but auditors have been requesting a copy of our most recent audit in order to create a proposal.

As current Treasurer, Maui will retain the Master Administrator status at least until the end of this calendar year when the Executive Committee can decide who will take on the Treasurer role starting in January 2021.

Treasurer King made a motion to allow Linae Standard User Access to Quickbooks, seconded by President Manahan.

Motion by Councilmember Chock, second by President Manahan to file September's Treasurer's Report. The motion to approve carried unanimously.

HSAC Executive Director job description

There has been discussion at past meetings for the HSAC Executive Director to handle the financials, including reconciliations and treasurer's reports; assisting with meeting minutes; preparing agendas; and assisting with annual HSAC conference preparation. However, still pending is an official job description for the position.

When will a job description for this position be confirmed?

Also still pending:

Salary amount; official contract approved by the Executive Committee to pay for the position; the percentage of time the position will be allocated to HSAC vs. other duties; etc....

B. County Reports

County of Hawaii – Councilmember Villegas provided the following:

Hawaii Council passed the Eminent Domain Resolution for Papaikou Mill to allow public access to the community. It's been decades in the making and very controversial.



As we work on Resolutions, a lot of things are up in the air as we wait to see who the new Mayor and administration will be, next week. Research and Development working on a Food Summit which is timely and appropriate as we navigate the era of COVID-19. We've recognized for decades that we are not sitting in a place of food resilience or sustainability and with Young Brothers increasing the shipping prices by 46% and so many people being out of work. We are not sitting in a good place when it comes to growing our own food, we are noticing that it is completely unacceptable. It used to be less than ideal; but now just plain unacceptable. The solutions are there. I am excited for this Food Summit and am really hopeful that some of the gateways into successful agriculture production can be removed and especially with the kind of finances that are available out there right now with inexpensive money and with the Cares funding.

Recently passed Vision Zero Action Plan: ideally eliminating anyone being injured or killed in traffic related accidents.

Recently passed an Ordinance to include Fiscal Impact Statements.

Mayor Kim's proclamation required all Transpacific travelers coming to the Big Island to take a mandatory second COVID-19 test which resulted in a great next step.

I am trying to get our County on board for working with an ESCO; we have so many projects to work on here with the County and working with an ESCO would provide the opportunity to upgrade our infrastructure, transition to green energy which saves money for our County in the long run, and also creates green jobs. I'm really trying hard to get that partnership. I am grateful R&D is on board they just don't have the bandwidth to manage the scope of work.

I will be reintroducing herbicide legislation in the coming term. I know Maui County has passed different legislation along those lines as well as plastics legislation.

Council Chock asked if this body needed to vote on the HSAC Legislative Concepts package today? Per President Manahan, the deadline was for this meeting. The request was made to have all legislation for this meeting to consider so that we could vote on a package and send it back to our County Councils for their approval then return to HSAC to submit for session.

County of Kauai – Councilmember Chock provided the following:

Kauai Council passed the Housing Bill that was very contentious. There was a list of exemptions for town cores.

Amended our home exemption that increased amount of days necessary for residents to receive it; more like two thirds of the year. You can take a little vacation and still be considered a resident.

We have an enabling legislation for establishing parking fees at our County beach parks for a fund that will be serving the regional needs. We are



looking into the new age of applications, so you will not need any infrastructure to administrate these types of programs. West Kauai community plan has been deferred. We have an active, engaged community in Waimea. It is possible that our community plan will move into the next term.

County of Maui – Councilmember Paltin provided the following:

At its meeting of October 9, Maui County Council adopted Resolution 20-144 to approve the HSAC Executive Committee nomination to City and County of Honolulu Councilmember Joey Manahan to the NACO board of directors until the end of the year.

Maui's Mayor wants to remove Maui's prosecuting attorney which will be taken up after the election.

In PSLU (Planning Sustainability Land Use), we adopted digital zoning maps for both, Maui and Lanai already. If you go to our RPT map site you can get a GIS layer of the digital zoning for Maui island and Lanai. Also, we adopted some business country town design guidelines for Lanai.

I am working on a disposal boogie board band, the ones with Styrofoam and cloth cover on it. I will let you all know how that goes.

We amended the fire standard to match the fire code for accessory dwelling units that needed to have a 20ft clearance for fire trucks to access. The amendment now requires sprinkler system installation in the accessory dwelling units.

We approved two 100% affordable workforce housing projects and one 100% senior housing project in Kihei.

Coronavirus Update:

The number of confirmed positive cases on Lanai is at 95 and expected to increase to triple digits.

Sanitization efforts for common areas took place on Friday.

Many community groups assisted with mass testing on Saturday with the help of the Lanai Community Health Center, Straub Clinic, Hawaii National Guard, and local officials. 800 PCR tests and 11,300 masks have been provided for Lanai residents and local health officials over the weekend with the assistance of the Hawaii National Guard, Maui Police and Fire Departments, and Expeditions Lanai.

Pulama Lanai is offering housing for those that need to be isolated.

Lanai's voter service center, previously the Lanai Police Department conference room, has been relocated to the Lanai Council District Office to ensure uninterrupted access to voting.

If approved by Governor Ige, the Stay at Home Order for Lanai residents will be effective 12:01 a.m. Tuesday for at least 14 days.

Travel to and from Lanai will be restricted for essential work or medical purposes only. All other travelers will be subject to a 14-day quarantine.

The Mayor is also requesting for the ability to make immediate changes to Maui County's Public Health Emergency Rules, without the State's



approval, in order to address emergency issues that deal with public health and safety on Maui, Molokai, and Lanai.

The Small Business Mortgage & Relief Program, a partnership between the County and the Maui Chamber of Commerce, uses \$1million in CARES Act funding to provide direct payments of up to \$12,500 or \$25,000 to qualified County businesses for commercial rent and mortgage relief to small businesses amid the pandemic.

Application deadline is November 15 or until funds are exhausted.

The Kamaaina First Program which features deals and discounts for residents from local businesses has extended its incentives to visitors who voluntarily take a second COVID test within 72 hours after their arrival.

The mahalo card is good for the duration of the visitor's stay.

Motion by Councilmember Paltin and seconded by Councilmember Chock to file the County's Reports. The motion to approve carried unanimously.

C. National Association of Counties (NACO) Report

NACO past President Hokama provided the following:

Lanai is under shutdown. We anticipated it due to how lax the community became. We understand the requirements and let our guards down.

Lanai's concern is Young Brothers once a week shipment for the merchants. As well as the necessary air freight.

We appreciate the Statewide support we received from family and friends that are very concerned for Lanai's shipment of supplies.

Maui's Kamaka Airlines, Mokulele Airlines and 'Ohana Airlines are currently flying.

We continue to extend our sincere Mahalo to everyone at this time.

At the National level, it is Election time. Please ensure and assist your administrations that the Inspector General of the US Treasury is very concerned about Covid money expenditures. Please ensure that your documentation is able to stand up in federal audit reviews. Abuse has been found in some private sector entities that received large sums.

NACO has language in the next Bill that's on the Hill. The US Senate is not willing to continue negotiations. The House has supported and NACO has language in the Thrives Bill proposal that is before Congress but until this election is over, nothing will be moving forward.

Please watch your bond ratings, the municipal market is tight. Be aware of what the Federal Reserve does which is more important than the presidential election.

This completes my report after 20 plus years of service on the Council.

I would like to say, I highly recommend Jon Okudara. Jon is a man of integrity. His credibility is impeccable, and his word is solid. Jon has the understanding of HSAC, and the institutional understanding of what we did as far back as the seventies. He will represent you well!



President Manahan thanked Councilmember Hokama for his years of service on Council and HSAC. It has been amazing to work with you.

Motion by Councilmember Chock, seconded by Councilmember Paltin to file the NACo Report.

- D. Western Interstate Region (WIR) Report
No update to report.

V. NEW BUSINESS

- A. Overview of 2020 HAS Legislative Package from Jon Okudara
I just got this package of HSAC Bill Proposals, so I need some time to go over it. I sent you folks a couple of Bills that I was working on that just continued from the recently adjourned session and the first one relating to the lifeguard liability, and the other one relating to registration of vehicle, particularly as they relate to abandoned and derelict vehicles.

The Lifeguard Bill:

Has been something that I worked on for a number of years. Back then, because of the plaintiff attorney's we just kept extending the term five years at a time and inadvertently died. The Bill was vetoed by the Governor because the AG found a flaw in the way the Bill was written. I think it should be a matter of going back in; this time making it permanent. I don't know about changing our name anymore. When this thing first started, the opposition was the Consumer Lawyers of Hawaii. Then they became the Hawaii Association of Justice. Maybe we need a new euphemism for HSAC. They keep throwing stuff out that are sort of true, like, the State discovered that lifeguards are covered under the State Tort Liability Act but that only works if the lifeguard is on a beach where the State has contracts with the County to provide lifeguard services. Which is way less than the total number of beaches that the County provides lifeguards services for. So, it's not fair to the lifeguards. We gotta take care of the lifeguards. They do provide a service that is irreplaceable. We need to put people in there to put more faces to this issue; not so much administrators, but the guys that get wet and is out there saving bodies. I think we should work on a strategy to do that next session.

Abandoned and Derelict Vehicles:

I sent you all my research material where I looked and everything. We do not know how much money we need. The question I was asked is, "How much money do you need?" The answer, it depends on the Counties. Cost in the Counties are different based on: number of vehicles, amount of storage space you have, and how would you recycle them? One comment I heard was, since the recycling plan was shut down by the Campbell industrial park that used the abandoned autos as source material to do rebars; there's no place for these things to go. You cannot ship it out of state in any kind of manner that would be cost effective. But the Bill I sent you was in response to the legislation that was decided in the House that



would be used as the vehicle when it was introduced by Representative Hashimoto from Maui. But again, he was going to make it a misdemeanor if you failed to pay the fees for abandoned vehicles. Which just keeps increasing the cost, because once you make a misdemeanor, it becomes a judicial process, which requires a lot of days to administer.

The Bill I sent you just states that you cannot register a vehicle; any vehicle unless you got all your fines paid off. I thought with the idea from Hashimoto's Bill where you would forfeit your drivers license. I do not know if we want to go that far? The other thought I'm playing with (I think I sent you something back in May), is if there's a way to create an escrow fund for each person when they register an vehicle every year, they'd pay money addressing abandoned and derelict vehicles. But if they properly dispose of their vehicle or transfer the Title, they get the money back. It would not be like everybody is throwing in money because most people would properly transfer or sell their vehicle. We just need a pool of money to take care of the abandoned and derelict vehicles. The Hashimoto Bill has a problem if you cannot identify the owner because they removed the VIN. You cannot pin it on the person trying to register the vehicle. As far as the escrow fund, I am still trying to talk to somebody with expertise in administering escrow funds so it could be done properly.

In reference to the HSAC Bill proposals that I looked at this morning, I need some time to work on them and add my comments – which I can probably do next week. The one thing I gotta say is that we will be very short on funding this coming year. The other problem as of right now, I do not know who to approach because until the election is done, the legislation will not be organized so I don't know who the committee members are going to be. The other problem is, I do not know how we are going to work with the legislators because the Capital has been closed. I don't know how they are going to hold Committee meetings, so everything is a big question mark right now. I've been calling members but most of them don't know what's going on or how it's going to happen. I don't think they are going to decide until after the election and they do their first caucus to determine how they are going to organize. Then, it becomes a matter of figuring how you are going to be on the priority list. My suggestion is to get the package of Bills early and submitted. You need to focus on who the members of committees will be.

Councilmember Chock shared Kauai's measures they submitted in the legislative package regarding abandoned and derelict vehicles.

Jon Okudara suggested the Bills be submitted to Legislators as quickly as possible.

President Manahan agreed with Jon's suggestion and stated the Bills should be adopted today then prioritize the issues at a subsequent hearing.



Councilmember Paltin asked:

Maui County has a highway beautification fee revolving fund (Maui County Code.) Why does the Counties need to go to State Legislators when they could enact this under their own County Codes?

Per Jon Okudara, State law says the Counties could create that fund. Right now, it's limited to \$2.00 with a cap increase of \$10.00. The Bill I sent you removes the \$10.00 cap.

Councilmember Chock explained the Kauai's U-drive piece of legislation removes the cap. He also mentioned Kauai's abandoned and derelict vehicle program costs approximately \$500,000.00.

Councilmember Paltin mentioned noticing the County of Hawaii submitted Concepts for the HSAC Legislative Package and not Bills. Councilmember Villegas mentioned having a discussion with the Hawaii Councilmembers about protocol for HSAC and what the timeframe is. The explanation given was to submit Bills as individual Councilmembers, which was very confusing. Councilmember Villegas apologized for Hawaii County not submitting what was necessary for today's deadline.

President Manahan asked if Hawaii County had any plans to submit legislation at a later date? We could hold off on voting today then hold a special meeting to approve later? Councilmember Villegas stated Hawaii County missed the deadline so we should not hold off on voting.

Kamakana Watanabe with Honolulu Office of Council Services explained the difference between an individual member submitting a Bill and a Council submitting the Bill has come about because in the past, Bills would go through the County Council and then come to HSAC. Recently, and due to time crunches, what has been happening is, individual Councilmembers would submit to their HSAC representative, and that would be considered an individual Councilmember Bill rather than a County Councilmember proposal. The bylaws do allow the HSAC Executive Committee to submit individual measures if the Committee feels they are important enough to move forward to the State and for HSAC to advocate for those measures.

George with Honolulu Office of Council Services further explained the Bylaws require that whatever the HSAC Legislative Package is, be approved by the EXCOM, then be approved by the four County Councils after that fact. So that's the only ultimate rule that needs to be followed as far as that's concerned. However the Bills get into EXCOM's purview, you guys "chit chat" and figure out whatever you want to push, and then ultimately the package becomes official once each of the County Councils has approved the package that HSAC has approved. With regards to Kamakana's second comment: There is, within the bylaws an ability to add additional proposals. We can push the envelope a bit possibly, but the



bylaws do provide certain constraints on that ability and usually the additional proposals would need to relate to issues related to home rule or towards fiscal County revenues.

Councilmember Paltin motioned to approve the transmittals under the addenda as listed in New Business in the addendum of our agenda with the exception of the GET Measure that Councilmember Paultin mentioned from Maui, seconded by Kamakana Watanabe of Honolulu Office of Council Services. The motion to approve carried unanimously.

Jon Okudara's Contract Proposal

Councilmember Paltin questioned the contract price:

Last year the contracted price was, \$27,894.00, and this year's contract reflects \$36,000.00. The amount we can pay is limited to a certain percentage of the budget. Per President Manahan, some concessions were made last year which ended up paying \$36,000.00.

A motion was made by Councilmember Paltin and seconded by Councilmember Chock to amend the contract price from \$36,000.00 - \$27,894.00.

VI. OLD BUSINESS

Postponed

VII. ANNOUNCEMENTS

- A. Other Announcements
Annual Convention date per Chair Chung will be hosted by Hawaii County the week of June 21, 2021
- B. Scheduling of Next Meeting
November 23, 2020 at 10 am

VIII. ADJOURNMENT

Councilmember Paltin made a motion to adjourn with a second by Councilmember Chock. The meeting was adjourned at 12:20 p.m.